



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

MINUTES
of
BOARD MEETING
Held on
August 10, 2010

Meeting Location: NEW BEDFORD WHALING MUSEUM
18 Johnny Cake Hill
New Bedford, Mass.

Prepared by: T. Wood

[Approved: September 27, 2010]

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on June 24, 2010
3. Draft Report from Recent Quasi-judicial Session
4. Renewal dockets
5. Fact Memo prepared by former Board Executive Director Allan Fierce

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 1:45 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Gretchen Latowsky, Robert Luhrs, and Kelley Race. Board members absent: Christophe Henry and Debra Stake. The LSP Board staff members present were Lynn Read, Terry Wood and Al Wyman. Also present were Wes Stimpson of the LSP Association, and Deborah Marshall and Tom Potter of MassDEP.
2. **Announcements:** The following item: 12D. Upcoming Meeting with EEA was added to the agenda.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on June 24, 2010. **A motion was made and seconded to approve the minutes with minor edits. The motion was approved unanimously.**

5. **Reports from Recent Quasi Judicial Sessions:** The staff requested and received the Board's unanimous consent to publish in the minutes of this meeting the following report from a previous quasi-judicial session of the Board.

Administrative Consent Order Re: Complaint 06C-01

At a quasi-judicial session held on June 24, 2010, two of the CRT members for Complaint 06C-01 (Ms. Batchelder and Ms. Read) presented the terms of a proposed agreement for discipline that, if approved, would resolve this Complaint prior to the presentation of a CRT Report or the issuance of an Order To Show Cause. During the presentation, the LSP's name was not disclosed.

The other members of the Board who were present and participated in the quasi-judicial session were as follows: Mr. Franklin, Mr. Henry, Ms. Latowsky, Mr. Luhrs, and Ms. Race. Ms. Commerford was recused and was not present during the quasi-judicial session. Ms. Farnsworth, Mr. Guswa, and Ms. Stake (the third CRT member) were absent. Ms. Wood and Mr. Wyman from the Board's staff were also present. No one else was present.

The CRT members briefly explained that they had been investigating possible violations at four sites. The CRT's preliminary assessment (prior to a CRT Report) of the LSP's work at these four sites had been presented in writing to the Board prior to the quasi-judicial session.

The CRT members said that they had not yet fully concluded their investigation or drafted a CRT report. Nevertheless, they said, they had substantially completed their investigation and had formed enough of an opinion to join with the Respondent LSP in presenting a joint, proposed agreement for discipline for the Board's review and approval.

After answering questions about the proposed resolution, the CRT members and Mr. Wyman, the staff investigator for this CRT, left the room. Thereupon, the Board discussed the proposed agreement for discipline – a voluntary surrender of the LSP's license and a three and one-half year prohibition on reapplication. At the conclusion of the discussion, a motion was made and seconded to accept the terms of the proposed agreement. The five members present approved the motion unanimously.

The Respondent LSP signed an Administrative Consent Order in which he agreed to a voluntary surrender of his license with a three and one-half-year prohibition on reapplication.

The voluntary surrender of the LSP's license took effect on July 26, 2010.

Throughout this discussion, the Respondent LSP's name was kept confidential. Now that this Complaint has been resolved, the LSP's name, Nathaniel L. Finsness, is being made public.

###

Minutes of LSP Board Meeting, August 10, 2010

6. **Decisions Regarding Licensing of Applicants:** The staff announced that there were no Application Dockets to present this month.

7. **License Renewal Applications:**

A. **Renewal Dockets.** The staff presented the following License Renewal Dockets:

**Board Meeting
August 10, 2010**

**Renewal Docket #1
Renewal Date: July 30, 2010
New Renewal Date: July 30, 2013**

Completed all requirements for renewal.

1. Robert Francis	#5022
2. Elliot Jacobs	#3194
3. Brian Longval	#4057
4. Valerie Miller	#7496
5. Theresa Miller-Kleiner	#3494
6. James Parker	#4437
7. Douglas Pierce	#1500
8. Terence Regan	#3352
9. Bruce Ross	#4284
10. Alex Sherrin	#7256
11. Timothy Snay	#3373
12. James Soukup	#5888
13. Jerry Tolosko	#3835

**Renewal Docket #2
Renewal Date: July 30, 2010
Extension Date: October 29, 2010**

Requesting a 90-day extension:

1. Matthew Dentch	#6658
2. Christopher Mariano	#9197
3. Marilyn Wade	#4513

Renewal Docket #3

Renewal Date: April 30, 2010
New Renewal Date: April 30, 2013

Has completed all requirements for renewal
within the 90-day extension:

1. Keith Sullivan #1259

Renewal Docket #4
Licensed Expired: April 30, 2010
New Renewal Date: July 30, 2013

Has completed all requirements for renewal
within the one year deadline:

1. Katherine Fogarty #6645

8. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel # 233: Mr. Franklin, Mr. Luhrs, and Ms. Farnsworth. The following Board members were assigned to Application Review Panel #234: Ms. Commerford, Mr. Guswa and Ms. Latowsky.
- B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.
- C. Inactive Status Report.** The staff reported that there have been no changes since the last meeting. A total of 4 LSPs are currently on Inactive Status.
- D. License Revoked for Non-Payment of Annual Fee.** The staff reported that the license of Deborah Wojcicki (#9400) was revoked at the close of business on 7/23/10 for non-payment of the annual fee. Her license was suspended on April 23, 2010 for non-payment of the annual fee and she had 90 days to pay before her license was revoked.
- E. Total Number of Active LSPs.** The staff reported that the total number of Active LSPs as of the date of this meeting was 556.

9. Examinations:

- A. New Licensees.** The staff reported that an examination has not been administered since the last meeting.

B. Date of Next Exam. To be determined.

C. Status Report re: future administration of the exam. Ms. Wood stated that there are currently eleven people on the waitlist to take the examination when it is next offered and a number of other people will also likely want to take the examination in the near future. Considering the Board's current lack of a program coordinator, the Board had instructed the staff not to plan any additional examinations for the time being, particularly considering that the Board's regulations (specifically 309 CMR 3.04(1)) require only that the examination be offered at least once per year.

Ms. Wood stated that, in the event the Board wanted to offer the LSP examination less times per year and to allow more people to take the test each time it is offered, she had asked the MassDEP staff person who assisted in acquiring the software currently used to administer the exam to contact the software company. She reported that the company had provided price quotes for buying additional software licenses (the Board currently has licenses to administer the exam to six people at one time) or, alternatively, instead of using the software, to use the Internet version of the company's product. Ms. Wood provided some cost estimates for adding additional software licenses and for using the Internet version. After discussion, Board members asked Ms. Wood to provide some data regarding how many individuals have taken the exam over the past couple of years. She stated she could provide this information at the next meeting.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: LSPA

Course Title: GIS Applications for Environmental Professionals

Credits Requested: 8 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: SETAC

Course Title: Introduction to Statistics for Environmental Professionals

Credits Requested: 6 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: NEREPHC

Course Title: 26th Annual International Conference on Soils, Sediments, Water and Energy

Credits Requested: 1:2 conference credits and 1:1 workshop credits

Committee Recommendation: **Approve this course for the credits requested.**

Minutes of LSP Board Meeting, August 10, 2010

Sponsor: NEWMOA

Course Title: Enhanced In-Site Bioremediation

Credits Requested: 5.5 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.

B. Other Business: The Continuing Education Committee discussed the upcoming Board workshop regarding Board discipline to be held at the UMass Soils Conference in October 2010.

11. Professional Conduct Committee: Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.

12. Personnel, Budget, and Fees

A. Personnel Update. Ms. Commerford reported that the Board staff was still composed of just three people.

B. Upcoming Meeting with EEA. Ms. Commerford stated that the budget subcommittee of the Board (Ms. Latowsky, Mr. Luhrs and Mr. Guswa) have a meeting scheduled for Wednesday, August 11th with Phillip Griffiths, Undersecretary of EEA, to discuss the Board's staffing problem. Rosemary Powers, MassDEP Chief of Staff, and Ms. Commerford will also be attending. Ms. Commerford noted that she is very appreciative of the fact that the LSPA membership, current and former Board members, and the Environmental League of Massachusetts all for appealed for additional staff for the LSP Board. The Board reviewed a draft memo prepared by former Board Executive Director Allan Fierce that discussed the Board's relationship with MassDEP and EEA regarding budget and staffing issues. The Board noted that Mr. Fierce had drafted the memo himself and that the document does not necessarily represent the views of individual Board members. In preparation for the meeting, the Board staff and Board members discussed the role the program coordinator has played on the staff and how the program coordinator is responsible for overseeing all the Board's licensing functions. The Board staff and Board members discussed the importance of having someone fulfill this role. The Board members also discussed that the subcommittee might ask EEA for additional help with the Governor's office to get new Board members appointed. The consensus of the Board members was that the Board should meet with EEA representatives on an annual basis.

13. Status of Board Member Replacements by Governor: Ms. Commerford stated that nothing has changed since last month's meeting.

Minutes of LSP Board Meeting, August 10, 2010

14. Other Business:

A. Topic for next article in the *LSPA News*. Mr. Stimpson asked if Board staff might be able to edit an article if the LSPA were to prepare a draft regarding the Board's disciplinary process. Ms. Wood stated that she would be able to edit a draft. Ms. Wood also stated that some recent decisions in disciplinary cases are possible subjects for articles.

B. Other New Business. There was no other new business.

15. Scheduling of Next Meeting: The Board is scheduled to meet on September 27th at Raytheon Company in Waltham.

16. Adjournment: The meeting was adjourned at 3:08 p.m.